

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

KEVIN L. GRANT, )  
vs. Plaintiff, ) NO. CIV-10-876-D  
JUSTIN JONES, et al., )  
Defendants. )

**O R D E R**

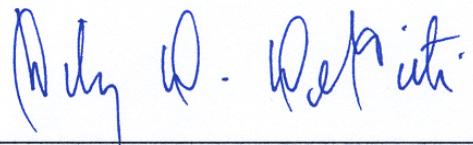
Plaintiff, a state prisoner appearing *pro se*, brought this action pursuant to 42 U.S.C. § 1983, alleging the defendants have violated his constitutional rights to due process, to equal protection, and to freedom from cruel and unusual punishment. In accordance with 28 U.S.C. §§ 636 (b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Bana Roberts for initial proceedings.

On December 14, 2010, the Magistrate Judge filed a Report and Recommendation [Doc. No. 12] in which she recommended that this action be dismissed without prejudice. In the Report and Recommendation, the Magistrate Judge advised Plaintiff of his right to object to the same and scheduled a January 3, 2011 deadline for filing such objections. She also expressly cautioned Plaintiff that his failure to timely file objections would constitute a waiver of his right to appellate review of the factual and legal issues contained in the Report and Recommendation.

Plaintiff's deadline for objecting to the Report and Recommendation has expired. To date, he has not filed an objection, nor has he sought an extension of time in which to do so. Therefore, the Report and Recommendation [Doc. No. 12] is adopted as though fully set forth herein. This

action is DISMISSED without prejudice to the filing of a new action.

IT IS SO ORDERED this 26<sup>th</sup> day of January, 2011.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE